UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,530	10/23/2001	David H. Coy	00537-00900K	3999

7590   01/28/2004

Brian R. Morrill, Esq.
Biomeasure, Incorporated
27 Maple Street
Milford, MA 01757

EXAMINER
TELLER, ROY R

ART UNIT	PAPER NUMBER
1654	

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/004,530	10/23/01	COY et al.	

EXAMINER	
Christopher Tate	
ART UNIT	PAPER NUMBER
1654	012304

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The amendment filed on November 4, 2003 canceling all claims drawn to the originally claimed and examined invention and presenting only claims drawn to one or more different and distinct inventions is non-responsive (MPEP § 821.03). The new presented claims (claims 9-89) are not readable on the originally claimed (and examined) invention because the invention claimed in original claims 1-8 was drawn to a therapeutic peptide, whereas newly presented claims 9-89 are drawn to numerous methods of using a therapeutic peptide, none of which have been previously considered and/or searched.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

CHRISTOPHER R. TATE
PRIMARY EXAMINER